

PATENT

REMARKS

The Office action dated October 4, 2005 has been carefully considered. In substitution of an appeal brief and following the notice of appeal filed February 6, 2006, applicants submit the foregoing amendment with an accompany request for a continued examination (RCE) application. Claims 1-32 are active in this application. Further examination and reconsideration of the rejection of claims 1-32 are respectfully requested.

The rejection of claims 1-32 under 35 U.S.C. §102(b) as being anticipated by Sellers et al. (U.S. 5, 311, 438) is respectfully traversed. However, in order to further the prosecution of this application, claims 1, 13, 22 and 31 have been amended in order to further distinguish the invention from the cited art. Independent claim 1, now recites "automatically receiving actual performance information from at least one vehicle sensor" and "calculating the benefit of implementing the business improvement by determining a financial ratio." Independent claim 13 now recites "an interface for automatically receiving actual performance information from at least one vehicle sensor" and "calculating the benefit by determining a financial ratio." Independent claim 22 now recites "automatically receiving actual performance information from at least one vehicle sensor" and "calculating the benefit by determining a financial ratio." Claim 31 now recites "storing a first set of actual performance information automatically measured by at least one vehicle sensor" and "calculating the benefit of implementing the business improvement by determining a financial ratio comparing the first set and the second set of actual performance information." The foregoing limitations are neither taught nor suggested by Sellers et al. Consequently, it is submitted that claims 1, 13, 22 and 31 have been patentably distinguished from Sellers et al. The dependent claims are likewise submitted as being patentable over Sellers et al. since they contain all of the limitations of their corresponding independent claims and merely contain limitation in addition thereto.

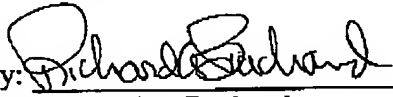
Claim 11 has been grammatically amended to correctly recite "comprising" rather than "comprises."

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In view of the amendment and remarks, this case is submitted as being in a condition for allowance. Applicants therefore respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Dated: 04/10/2006

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